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## THE REGISTER'S OFFICE OF NEW YORK COUNTY

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Register of New York County

THE register's office of New York county was organized in 1812, but the real property records prior to that time, which were kept by the county clerk, were transferred to the care of the register, so that the records are continuous from 1654 to the present.

It is the duty of the register to receive and "record at length" all instruments affecting real property and to index them. Altogether about two million real property instruments have been recorded. New York county, which is the same in extent of territory as the borough of Manhattan, contains about 100,000 lots, so that there is an average of about twenty instruments to each lot. To find the particular twenty instruments affecting a given lot is the object of title "searching," and to simplify that search is the purpose of indexing. Prior to 1891, all indexes were alphabetical, and all the instruments for the entire county, then numbering about 1,200,000, were intermingled. In 1891 the "block system" of indexing was established, whereby the area of search was reduced to a city block. The enormous aggregation of names back of 1891 made searching a very difficult, expensive, and precarious operation, resulting in the employment of professional searchers. About twenty-five years ago the individual searchers were displaced by corporations, who prepared private locality indexes of the official records. There are now three title examining corporations who maintain private indexes of the county records.

The primary duty of the register is to record and index real property instruments, but in recent years the activities of the office have greatly increased and broadened. The various activities divide the office into corresponding departments or bureaus. These are as follows:

(1) The general administration, which handles the current work of recording and indexing, which, from the character of the work, subdivides into:

- (a) Cashier and receiving division.
- (b) Recording and examining division.
- (c) Block and alphabetical index division.
- (d) Mortgage satisfaction division.
- (e) Checking the indexes.

All of these have to do with real property instruments.

- (f) The chattel mortgage division.

(2) The bureau for the preservation of public records, which copies and restores ancient or mutilated records and maps.

(3) The mortgage tax bureau, which collects and accounts for the mortgage tax.

(4) The reindexing department, which is preparing the locality index plant of instruments recorded prior to 1891 and connecting them with the modern locality index.

(5) The land title registration bureau, which registers titles and issues certificates of title under the Torrens law.

### *Introduction of Business Methods*

The total budget appropriation for 1914 was \$304,468.40; there was actually spent, however, only \$279,277.65, making a cash saving for the year of \$25,190.75, which has been returned to the city treasury in unexpended balances. Of the total spent, \$15,160.04 was spent for recopying and restoring old and mutilated records; \$95,942.48 was spent in reindexing records back of 1891; the balance, \$168,175.13, was spent in current general administration of the office.

The revenue from fees collected in 1914 and paid into the city treasury was \$97,560.72. This leaves a deficit of \$70,614.41 in current operating expenses, disregarding the amounts spent in restoring and reindexing old records, as this work is special and temporary. In addition to this deficit the cost of heat, light, care, and rental value of the register's part of the Hall of Records is computed at \$76,945, making a total deficit in current expenses of \$154,809.41. The causes for this deficit are two:

First, the rate of fees (established many years ago) is too low.

Second, old-fashioned and cumbersome methods of work have made the cost of operating too high.

A bill to increase the rate of fees and establish them on a modern

basis was introduced in the legislature in 1915, but failed to receive the attention of that body. On the other hand, much has been accomplished in reorganizing the office and introducing improved methods of work to reduce operating cost. Among these may be enumerated:

- (1) Use of typewriting instead of handwriting.
- (2) Substituting abstract system in place of blotter system in indexing.
- (3) Establishment of orderly routine in current work.
- (4) Bringing and keeping work up to date, and thus making unnecessary certain records formerly made necessary by the congestion of unfinished current work.
- (5) Consolidation of divisions and concentration of duties.
- (6) Increased attentiveness, better application to work, and stricter punctuality and attendance.
- (7) Standardization of salaries, use of daily individual reports and cost work accounts.

The benefits of improved methods have been reflected to the city in two ways:

- (1) By reducing the office force and saving in the budget allowances.
- (2) By turning the energies of clerks from unproductive channels into new work and so accomplishing more with the same force of men.

Thus in the bureau for the preservation of public records, work which would have required 21 years to do by handwriting will be done in 4 years by typewriting, with a vastly superior product, and with about the same annual cost, saving on this piece of work alone about \$170,000. The value of services saved in the budget or gained by application to new work is equivalent to nearly one-third the amount of the annual payroll.

No systematic method of checking indexes was followed by former administrations, with the result that many thousands of errors have crept into the indexes. About twenty clerks, made available by better methods in other departments, have been assigned to the work of checking and correcting the existing indexes. The alphabetical indexes, which were from three to nine months behind, have been brought to date. In current indexing a

complete system of cross-checking has been established, making any future re-checking of indexes unnecessary, so that when the work of re-verifying old indexes has been finished, there will be an appreciable reduction in the cost of operating and in the annual budget allowance.

The cash income of the office has been increased about \$15,000 per year by closer attention to collecting all fees required by law. One item alone, the collecting of five cents for each name in the street index for chattel mortgages, neglected by previous administrations, has resulted in an increased cash income of about \$12,000 per year.

The mortgage tax bureau, which is under the state board of tax commissioners, collected \$1,998,530.95 during 1914. These collections are deposited temporarily in banks; under arrangements made by me with the banks, interest on the daily bank balances was obtained. The total interest received for the year 1914 amounted to \$21,225.34. The total cost of conducting this bureau for the year, including all salaries and supplies, was \$11,800.65, so that the bureau's expenses were paid out of the interest and in addition \$9,424.69 of the interest, over and above the whole amount of taxes collected, will be turned over to the city authorities.

#### *New Locality Index and the Torrens System*

The work of re-indexing the old records back of 1891 was begun in 1910 and up to January 1, 1915, \$368,065.38 had been spent in this work. To complete the work will bring the total expenditure up to about \$500,000. In this work the instruments are located not only by block but according to the lots affected, so that to determine the chain of title of a given lot requires but a few moments; in fact, the title history of a lot can be shown practically on inspection. The register's office contains the original conveyance and mortgage records which make up the body of real property titles. In the same building are also the records of the county clerk and the surrogate, which in part affect titles to real property. The municipal building across the street contains the tax office records and the various municipal departments, so that within the register's office or close at hand are all

the records affecting real property, making the register's office the natural place for the examination of titles.

In 1908 the so-called Torrens law was enacted. The effect of a successful Torrens law is to remove title examination entirely from the field of private endeavor and substitute an official system conducted solely by the public registrar of titles. In New York the Torrens law has been practically a dead letter. Only thirteen titles have been registered. One of these has been canceled and five have been withdrawn, leaving seven titles only as the product of seven years operation. This failure in New York is due to the fact that the framers of the law in 1908 tried to make the law satisfactory to the title companies and practically put the operation of the law within the control of these corporations. The present equipment of the register's office with its locality index plant makes the county independent of the private plants of the title companies, and with a proper amendment to the law will make the Torrens system a possible achievement in the near future, and put the register's office and conveyancing methods on a close business basis.

The amount paid to title companies in this city for the examination of titles has been estimated at several million dollars annually. Although the establishment of the Torrens method has received the natural and—up to the present time—effective opposition of the corporations whose earnings in part depend upon the continuation of the old way of doing things, yet the reasonable demand that real property be freed from the burden of delays in passing title and from the cost of continual re-examination of titles, will eventually bring this simple and inexpensive system into general use, and make the register's office what it should be—the clearing house of titles for New York county.